## IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

In re: Chapter 11

CIRCUIT CITY STORES, INC., Case No. 08-35653 (KRH)

et al.,

Debtors. Jointly Administered

## TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a) - see attached letter dated April 14, 2009. Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of the transfer, other than for security, of the claim referenced in this evidence and notice.

RBS Business Capital, a division of RBS Smart Parts, Inc.

Asset Finance, Inc.

Name of Transferee

Name and Address where notices to transferee should be sent:

Matthew M. Hughey Gleason & Associates, P.C. One Gateway Center, Suite 525 420 Fort Duquesne Boulevard Pittsburgh, PA 15222-1402

Main office: 412-391-9010

Name of Transferor

Court Claim # (if known): 1707 Amount of Claim: <u>315,758.89</u>

Date Claim Filed: December 16, 2008

Phone: 973-890-1350

Last Four Digits of Acct. #: 0099

I declare under penalty of perjury that the information provided in this notice is true and correct to the best of my knowledge and belief.

Kenneth C. Thiess, Esq. (PA ID #28083)

Metz Lewis LLC

By:

11 Stanwix Street, 18<sup>th</sup> Floor

Pittsburgh, PA 15222 Telephone: 412-918-1150

Fax: 412-918-1199

Date: May 5, 2010

Date: May 5, 2010 Respectfully Submitted,

**RBS BUSINESS CAPITAL** 

By Counsel

/s/ William A. Gray

William A. Gray, Esquire – VSB #46911 Ashley Burgess, Esquire – VSB # 67998 Sands Anderson PC 1111 East Main Street, Suite 2400 Richmond, Virginia 23219 Telephone: (804) 648-1636 Case 08-35653-KRH Doc 7437 Filed 05/05/10 Entered 05/05/10 14:04:22 Desc Main METZ LEWIS LLC Document Page 3 of 5 EXHIBIT A

11 Stanwix Street 18th Floor Pittsburgh, Pennsylvania 15222 Phone 412.918.1100 Fax 412.918.1199 www.metzlewis.com

April 14, 2009

## VIA EMAIL [Donna Holzbach@circuitcity.com] AND VIA FIRST CLASS MAIL



Accounts Payable Circuit City Stores 9950 Maryland Dr Richmond, VA 23233 USA

Re: September 4, 2007 Security Agreement from Smart Parts, Inc. (now known as Smartparts, Inc.) to RBS Business Capital

Accounts Payable Department:

RBS Business Capital, a Division of RBS Asset Finance, Inc. ("RBS") is a party with Smartparts, Inc., a Rhode Island Corporation ("Smartparts") to, among other credit documents, a September 4, 2007 Security Agreement (the "Security Agreement"), under the terms of which, among other things, Smartparts assigned its right to receive payment of all accounts (a/k/a accounts receivable) as partial collateral for payment of a Revolving Credit Note of even date, as amended. We have been informed by Smartparts that you are indebted to it for various purchase orders/invoices. A Smartparts accounts receivable aging dated March 16, 2009 reflects an account due totaling \$311,357.79, all of which appears to be past due.

The purpose for this letter is to advise you that RBS has exercised its right to receive payment directly from <u>Circuit City Stores</u>, an account debtor of Smartparts, and, by copy of this letter, so advises Smartparts. This letter shall constitute formal notice that payment of all amounts due Smartparts must hereafter be made directly to RBS. Payment must be made to "RBS Business Capital" and addressed as follows:

Matthew M. Hughey Gleason & Associates, P.C. One Gateway Center, Suite 525 420 Fort Duquesne Boulevard Pittsburgh, PA 15222-1402

mhughey@gleason-cpa.com Main office: (412) 391-9010 Fax: (412) 391-1192 RECEIVED

SEP 15 2009

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Payment of amounts currently due or past due must be made to RBS as directed within five (5) days of the date of this letter. You should be aware that if payment is made to Smartparts or any party other than RBS, Pennsylvania law provides that your debt to Smartparts shall be deemed unpaid and you will continue to be liable to RBS for the full amount of the indebtedness as of the date of this letter.

If you have any questions or comments regarding this matter, feel free to telephone Matthew Hughey at (412) 391-9010.

Very truly yours,

John R. O'Keefe, Jr.

JRO/sal

cc:

Smartparts, Inc.

Attention: Geoffrey E. Lewis, CEO <u>glewis@smartpartsproducts.com</u> Stefan Guelpen, President <u>stefan@smartpartsproducts.com</u>

Geoffrey T. Raicht, Esquire graicht@mwe.com

Paul J. Cordaro, Esq. pjc@camlev.com

Matthew M. Hughey <u>mhughey@gleason-cpa.com</u>

Bruce G. Shearer <u>bruce.g.shearer@citizensbank.com</u>

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## IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

In re:		:	Chapter 11
CIRCUIT CITY S	STORES, INC.,	:	Case No. 08-35653 (KRH)
	Debtors.	:	Jointly Administered
NOTIC	E OF TRANSFER	OF CLAI	M OTHER THAN FOR SECURITY
transferor. As ev	ridence of the transf	er of that	r 11 U.S.C. § 1111(a) in this case by the alleged claim, the transferee filed a Transfer of Claim is court on
Smart Parts, Inc.			RBS Business Capital, a division of RBS Asset
Name of Alleged	Transferor		Finance, Inc.
_			Name of Transferee
Totowa, NJ 07512  AND  Samuel H. Simon  Houston Harbaugh  Three Gateway Ce	7ay 2 n, P.C. enter ue, 22nd Fl. 222-1005		Address of Transferee:  Matthew M. Hughey Gleason & Associates, P.C. One Gateway Center, Suite 525 420 Fort Duquesne Boulevard Pittsburgh, PA 15222-1402 Main Office: 412-391-9010  AND  Kenneth C. Thiess, Esquire Metz Lewis LLC 11 Stanwix Street, 18th Floor Pittsburgh, PA 15222 Phone: 412.918.1100
within twenty (20)	eror of the claim is h	nereby not	ified that objections must be filed with the court notice. If no objection is timely received by the ginal claimant without further order of the court.
Date:			
			CLERK OF THE COURT